

## MINUTES

SALINA CITY PLANNING COMMISSION  
CITY COMMISSION ROOM  
April 4, 2006 4:00 PM

### MEMBERS

PRESENT: Bonilla-Baker, Funk, Mikesell, Ritter, Schneider, Simpson, Soderberg, and Yarnevich

### MEMBERS

ABSENT: Weisel

DEPARTMENT STAFF: Andrew, Burger, Jeanfreau and Johnson

Item #1. Approval of the minutes of the regular meeting held on February 22, 2006.

The minutes of the February 22, 2006 meeting were approved as presented.

Item #2. Consider renewal of permit for Application #SUP04-4, filed by Marie Simpson, requesting a Special Use Permit to allow an open air market in a C-6 (Heavy Commercial) District. The subject property is located on the west side of North 9th Street north of Thomas Park and addressed as 1615 North 9th Street.

Mr. Andrew gave the staff report which is contained in the case file.

Mr. Andrew stated the permit approved in 2004 limited the site to 20 vendors and that was reviewed in 2005. Are we having technical difficulties with the pictures, John?

Mr. Burger stated I believe we do have a problem with our mouse on that. It has been left off and isn't functioning right now so I won't be able to do the graphics at this point.

Mr. Andrew stated ok, we did have some photographs of the site but if you have driven by you are probably familiar with the little barricade system that was set up there and I think it provides a little better control as to where people, both vendors and customers, need to go. With that I would be happy to address any questions that you have.

Mr. Simpson said ok, any questions of Dean?

Mr. Funk stated I noticed on the little sketch map there's 35 spaces shown. Where are the other five going to be?

Mr. Andrew stated they may have been cut off this particular reduction to get it to all show on here. I think they're more off the edge of the page there which would be on the south.

Mr. Funk stated I see it.

Mr. Simpson asked any other questions or comments?

Mr. Schneider asked Dean, does the City just react to a complaint call or do they do some kind of periodic checks of the area to make sure they're in compliance?

Mr. Andrew stated we would probably do a periodic check maybe once a summer or spring when it first sets up just to confirm that it's happening and how it is setting up, and they're supposed to bring in a plan that shows how they will arrange the vendor spaces and parking. We would confirm that probably at the beginning of the season, but on a regular basis, no, we would just respond to complaints. It has been our experience that this is, cutthroat might be an exaggeration, but there's only so many vendors or flea market people and there's a lot more spaces and places than there are vendors. So there is a tendency for the vendors to kind of

monitor each other. So I would say the most frequent complaints we get are from operators complaining about other operators. We would primarily respond on a complaint basis.

Mr. Funk asked where does most of the parking take place on this thing?

Mr. Andrew stated from our observation it is more on the street. There is a paved area in front of the store, but our observation is that it's kind of similar to garage sale parking. If people are pulling in and actually parking, it's more of a commitment, so they'll park in the street and kind of saunter up and look at what's there. In other words, we require that off-street parking be made available but except for real peak times there's not a great problem with on-street parking unless people are standing in the street conducting their transactions.

Mr. Funk stated yes, they have a frontage road there don't they.

Mr. Andrew stated essentially those telephone poles you see there are at the edge of the right-of-way, so that area really should not be used for display or sales or anything, everything should be behind that. Our observations is that most of the parking, even though there is a place to pull off and park on the concrete apron there, that most of it occurs on the frontage road itself.

Mrs. Bonilla-Baker asked why are there not more set times versus sunrise to sunset?

Mr. Andrew stated I think you would have to address that to the applicant who is the operator and monitor of those vendors.

Mr. Simpson asked, are there any other questions? Seeing none, would the applicant care to address the Commission?

Marie Simpson, I have my gift shop over at 1615 N. 9th Street. As you know I have been there for going on four years this coming October. The question concerning the front of my store earlier is that some of my vendors, when they set up, I have customers that come to my store and a lot of them choose to want to park on the street because as they say, "I'm trying to make it courteous to the ones that are handicapped." If the police department or somebody needs to get in, they would have access to being able to get in to the front of my store. A lot of my shoppers are courteous about that. They are giving the benefit of allowing the chance for customers who are handicapped, and I do have a few shoppers that are handicapped, so they are making it available for them. There were a few times I noticed a handicapped person that was in a wheelchair that parked out on the street, and I personally walked up to them when I saw them and said, "you don't need to do this, the front of my store is for you to be coming and being able to shop." They said, "oh we didn't know." I said, "yes, it's open to all the ones that are handicapped so it would be much easier for you." That way they will be able to enjoy it.

Mrs. Bonilla-Baker asked why don't you have them marked if you want to have special areas for them designated so people understand?

Ms. Simpson stated, well if I was to mark in front of the store, say for instance, when I'm not having a flea market and customers come in, well they would have to park way out on the outer part. If I put it directly in front of my store, it would be just handicapped section. So I'm wondering if I did put in handicapped areas, I would maybe have to put them on the outer circle and that would not look very well to my vendors. Those markers where they are showing the yellow that was the original marks on the pavement when I first started. They were on the pavement and not on the grass. That's how it was originally. Well, talking with Dean, I decided to change it to put more area for my customers to come in, to move them off the paved area and put them on the grass. So that's why the marks are still there, but now it's only the ones that are directly in front of my shop that can be on the pavement of part of the pavement and the grass. I have moved them ten feet away from the road and

that's why I have the barricade there to keep customers from parking on the grass, because I knew if I moved them away from the edge of the road, it happened before in the spring when I didn't have any vendors on the north side of my shop, there were people coming off the service road of 9th Street and they would pull up one after the other and just park like this. I had to come out of my store and tell them, "I'm sorry but you can't park there." So now I put up barricades because I told Dean if I had to move them, chances are I would have that same problem again. So far it's working. It's keeping them from pulling up, but yet my vendors are ten feet from the road all the way across.

Mrs. Soderberg asked what are the days and hours of operation?

Ms. Simpson stated, through the spring, summer, and fall. My sign on the front of the building shows that I'm open from 9 a.m. to 5 p.m. on Wednesday through Friday. On Saturdays and Sundays when my flea market's going real good, I have myself there from 6 a.m. in the morning to question mark. Leaving what you call, a decision of the vendors. If there is still a vendor there, I will be open until the last vendor leaves. I'm giving the vendors that option.

Mrs. Bonilla-Baker asked do they have public restrooms there?

Ms. Simpson stated I do have a restroom available. I've always had a restroom available.

Mrs. Yarnevich asked how many vendors do you normally have in a day?

Ms. Simpson stated well yesterday it was slow based I think on the fuel. A lot of vendors live out of Salina and when they have to travel it puts a damper on it. They kind of slacked off.

Mrs. Yarnevich asked so what was your average?

Ms. Simpson stated I would say roughly between 15-20.

Mrs. Yarnevich asked so you were mostly full, almost full?

Ms. Simpson stated yes and that's why I had it increased because I had people calling wanting to know about the spaces. When they see that I am only permitted up to a certain amount of like 20 vendors, it kind of gets them to wondering, "well I'm not going to drive that far just to get over there if that's all she can have and then get there and there is no space for me."

Mrs. Yarnevich asked how many spaces do the other vendors in town have?

Ms. Simpson stated from my knowledge I believe the one next to Maggie Mae's was only approved up to 18 spaces.

Mrs. Yarnevich asked the biggest one has how many?

Mr. Andrew stated the Phoenix is authorized to have up to 40 spaces but has never approached that.

Mrs. Yarnevich asked and then Miller's?

Mr. Andrew stated Miller has on the front portion about 14-15 spaces along Broadway.

Ms. Simpson stated well I have been informed, I didn't check it myself, but I was told by a customer that was at my store that the one on Broadway, not the one with the 18 vendors but the other one, they asked for a restroom and there wasn't no restroom there. I thought that was one of the requirements for operating a flea market.

Mrs. Yarnevich stated I was checking on how many vendors were at each place to see if you were at a disadvantage, which I don't see that you really are at a disadvantage because most the other vendors have the same number of spaces.

Ms. Simpson stated well there's really like you said earlier about too many of them, you know of people operating flea markets, and I mean having that many flea markets in town in one area, there is a lot of spaces for everybody. I've had people calling me and asking for spaces wanting to know if they did travel that distance, would they have the required amount of spaces so they wouldn't make the trip for nothing. They want to make sure they have a space. So that's why I wanted to make sure when I asked for having an additional 20 vendors. That gives me that option to make sure they would have a space when they got there.

Mr. Simpson any other questions of the applicant? Does anyone else wish to address this application? There appears to be no one. We will bring it back to the Commission then for discussion and action.

Mrs. Soderberg stated I noticed under the staff recommendations for this application that you didn't include the signage permit as you had on the others. Is that just because you feel it's no longer necessary?

Mr. Andrew stated that's not pertinent any longer. There was a free-standing sign out in the open space there that we hadn't gotten squared away, whether we were going to leave that there or not and now that's not an issue.

Mr. Simpson asked are there any other questions or comments?

MOTION: Mrs. Yarnevich stated well I think if the City staff feels there is not a problem with 40 spots there, I would have to say give it the benefit of the doubt, and I would move that we approve the renewal of Application #SUP04-04 with the three staff recommendations listed on page six.

SECOND: Mrs. Soderberg

Mr. Simpson stated it's been moved and seconded. Any other further questions or comments? Those in favor say aye. Opposed?

VOTE: Motion carried (8-0).

Item #3. Continuation of Application #Z05-1, filed by the Salina City Planning Commission, requesting approval of a comprehensive amendment of the city's off-street parking regulations (Section 42-552 of the Salina Zoning Ordinance).

Mr. Andrew gave the staff report which is contained in the case file.

Mr. Johnson stated the Phase II storm water regulations do encourage alternate materials for surfaces that allow storm water to infiltrate through the pavement and into the ground so unless you have specific questions of me I don't have anything to add.

Mr. Simpson asked if these were alternative methods that were recognized as industry standards, if somebody proposed one, they would still need to be reviewed by the Engineering Department, a cross section and a review process. One approval wouldn't be de facto approval of that as the standard from that point on?

Mr. Johnson stated that is exactly right. From a pavement design standpoint you are always concerned about the vehicle loads that will be traversing the pavement and it could be specific to obviously a commercial business that is going to have some small amount of vehicular traffic. It might not be under the same rules as say a trucking facility. Pavement design is specific to the type of traffic and the traffic volumes that you see on that pavement in the design process. It just gives flexibility to design each pavement specific to the use that's being proposed.

Mrs. Soderberg stated except when the use changes and then you have a pavement specific to the property.

Mr. Andrew stated there will be some limitations. If you take say the small insurance office that is being constructed at the corner of Cloud and Ohio, that's a fairly small lot where you are mostly accommodating small passenger vehicles. That might be a candidate in some cases for an alternate material if somebody proposed it. It is unlikely because of the zoning, the size of the lot and all that's going to be expanded or intensified much but those are the kind of situations we are trying to anticipate of being able to have an alternate if somebody wanted to do that and that's one of the things on our list is to bring back to you some more information about the storm water management program and some of the practices and things that are being recommended that are a little more environmentally friendly.

Mrs. Soderberg asked how soon are you wanting to do this project?

Mr. Andrew stated I will let Brad indicate what the timeline is on that.

Mr. Johnson stated the Environmental Protection Agency (the EPA), sets that deadline that we're under so we had to have a storm water program implemented in five years and we just started year two of our program. The first year was kind I guess establishing what we want to do in terms of a program, submitting that to the state and federal agencies and committing to what we were going to do. Now year two is when we start developing the details of what we proposed to do as far as the program and how we are going to meet specific measurable goals established as part of our program. A lot of that early on part of the program is public education and outreach and that's what we are starting to kick in gear now. We have a study session with the City Commission coming up in the next month I believe and we are going to kind of brief them on what we are doing thus far and try to build some steam on this program. It's something of an unfunded federal mandate, we've all heard of those and so we are trying to make the best of that we can with the resources we have available today.

Mr. Funk asked what kind on this paving, what kind of alternate paving are you talking about? Is there an example in town I can go look at?

Mr. Johnson stated I don't believe so. There is literature in all of our trade journals about the alternative types of poured pavements that are being designed throughout the country. I couldn't speak to a specific one here. One of the things I think is important to remember also is in pavement design the surface pavement is only as good as the base is so there's a lot of creative things you can do. What we are trying to avoid is calling out, you will build it as 6" concrete or you will build it as 7" asphalt. We are trying to avoid that. You might have a subgrade project that puts, we use fly ash or lime a lot of times in subgrade to stabilize it, it takes the moisture out and makes it really hard, you know a 2" inch asphalt overlay over the top of a stabilized subgrade a lot of times will perform equally as good as a 6" asphalt pavement. We are trying to provide that flexibility but still have a pavement that is capable of withstanding the load and will last for the business owners and the business community and so that is kind of the goal this language change I think. It's to provide that means of approval of an alternate type of construction of pavement.

Mr. Funk asked do you provide other standards like it doesn't blow on a windy day or you don't have dust coming up under heavy traffic or that they have to have a half way decent walking surface for people in high heeled shoes?

Mr. Johnson I don't know if we'd go that far on private parking lots.

Mr. Funk stated well I am thinking that parking lots at a manufacturing plant is one thing and customers in a parking lot at Dillons is another thing.

Mr. Johnson stated I think we have always kind of taken the point that for commercial businesses their customers will probably regulate when they redo their parking lot much sooner maybe than we would enforce that and that is what we

think our hope and intent is that those will somewhat self regulate but if we are not getting a good construction standard up front then we are just asking for problems. So we are trying to put some method of pre-approval and submittal and approval of alternative pavement sections without just opening it up for any type of materials that could be out there.

Mr. Funk stated I am just trying in my own mind to visualize what kind of alternative paving you're talking about and yet I don't have any picture.

Mr. Mikesell asked Brad, do you anticipate that this might make it open to a recycling material like an asphalt millings type of thing, is that what you are saying?

Mr. Johnson stated I think we would fall short of that. I think it is all about to me, our current standard says concrete, asphalt or other comparable alternatives of comparable performance. Well that is kind of tough to define. So I think we would probably look to have, I kind of look at asphalt millings, it's kind of like gravel, it is chunks of material that is what it is. I think we will probably as part of this program attempt to define what asphalt is and what concrete is.

Mr. Funk asked is this going to create more work for staff?

Mr. Andrew stated it is so seldom, I mean in the 19 years this has been in effect since it has been adopted I can only remember two cases where somebody proposed, and it wasn't even their idea it was something that a contractor proposed for them, that they then realized it was not paving and they didn't really ask to keep it or use it. There has never been a misunderstanding about what asphalt or concrete is but this is kind of designed to anticipate that there might be some alternatives presented. I think it's just homework that we need to do. It's not necessarily going to create a situation where every other week somebody comes in with a new paving material for parking lots that Mr. Johnson has to do some research on and review then yes, but the standard in the industry is still asphalt parking lot and concrete parking lot and I don't think that is going change. This is mostly designed to say that we will consider alternatives but this is the process by which those will be considered. We didn't set up a process for that before and that is what this is designed to do.

Mr. Funk asked is the purpose of this amendment then to reduce the cost associated with the construction of parking lots?

Mr. Andrew stated we don't see this as a substantive change. The only thing we've always said in the ordinance was that we would consider alternative materials. We just never set up a process for how those get reviewed. So most of the language in here deals with submitting the design and having it reviewed by the City Engineer and things of that nature so the new language deals with creating a process for those to be reviewed not so much a substantive change.

Mr. Simpson asked any further comments?

Mr. Andrew stated we have laid out four alternatives for you to look at and consider on page 2 of the report there and the first would be to look at the amendment and the language in italics there and one alternative would be to recommend to the City Commission approval of that as it was presented there. You could look at that and recommend approval of the amendment with any modifications to that you think would be appropriate. You could table this matter for additional information from us or you could recommend that no changes be made to the current language in the ordinance.

Mrs. Yarnevich asked so the only change really was the 42-552 (e) (2)?

Mr. Andrew stated correct. The item dealing with surfacing and just dealing with that one subsection that deals with the surface of parking lots and really narrowing down to the first sentence in that section. We attached the whole section so you can see how it all fits together.

Mr. Simpson asked are there any questions or comments?

MOTION: Mr. Mikesell stated I would like to make a motion that Application #Z05-1 be approved as presented.

SECOND: Mrs. Yarnevich

VOTE: Motion carried (8-0).

Item #4. Comprehensive Plan Update.

Mr. Andrew explained the purpose and makeup of a comprehensive plan, the steps involved in preparing a new plan and what the Kansas planning and zoning statutes say about the preparation and adoption of a plan.

Mr. Simpson stated ok, thank you, are there any questions for Dean?

Mr. Schneider asked does the County fit into this at all? Is there any joint planning?

Mr. Andrew stated well the County has their own Comprehensive Plan for the area outside the city limits but also their plan recognizes the same thing as our plan does, that there are areas currently outside the city limits that are likely going to be part of the city in the future. So the goal is to make, and we are consistent right now, their plan is consistent, we agree on the same areas that are likely to become part of the city in the future and that would be our goal to make sure that we are communicating with them and getting input from them and that we are in agreement on what areas outside the city are rural and what areas are likely to become part of the city of Salina over the next 10-15 years. In the public process, this would involve input from the steering committee or focus groups, whatever the input mechanism might be. I was on the steering committee that the County had for their comprehensive plan because they wanted input from the city.

Mr. Schneider asked who selects the consultant? Who interviews them?

Mr. Andrew stated that is yet to be determined. The City Commission indicated that they wanted some public involvement in that but it is decided ultimately by the City Commission because they are the ones that are going to hire the consultants so they will be involved in the selection and how that process is set up.

Mr. Schneider asked it seems a little strange when you read those statutes about the Planning Commission making these proposals to the City Commission, is it true that they have to have a two thirds majority to override this Commission's proposed plan?

Mr. Andrew stated that's correct. That would be to get to the point of where you might have 3 or 4 options or 3 or 4 scenarios and those had been worked through with this body and it got to the point where all those questions that you might have had been satisfied or the plan read the way you were comfortable with, then that would be the point at which you would recommend that to the City Commission. That would be the point where the plan would really be presented and it would be presented out of this group to the City Commission.

Mr. Funk asked I know you did a city plan, you said in 1992, I keep looking at this picture here and I guess my question is how far the plan now falls short even though it is 14 years old?

Mr. Andrew stated substantively the plan is not that far short. It is that it is lacking in updated information and assumptions and there may be some areas or subareas where the Planning Commission or City Commission may want to be more specific. An example of that is what we refer to as staff as the donut hole, which is the area if you look at a map there is a big hole in the city west of I-135 and Magnolia. So if you get off at the interchange there and go west toward K-State Salina it is

essentially undeveloped on both sides of Magnolia. And it is that way partially because there is some floodplain out there. There is also no water or sewer out there and there's no reason to put it there because there are no plans for development. Well one of the things to consider is whether you want a general plan or is the fact that that's more or less a blank slate from the interchange over to the college, is that an area where you want to have some pretty specific plan about what ought to occur there. So that is the type of thing where the plan that we have today is lacking. The other thing that we don't have is any kind of master utility plan to say where should the city put new major water lines and sewer lines and to be able to tell property owners or developers don't look over there because the city has no plans to extend utilities here, look here. We can't do that today because we don't have a plan right now where those next major improvements are going to go and that is part of what your role will be to tell us where you think they ought to go and that is a major missing piece in our current plan. We will be giving you updates periodically.

Mr. Simpson stated thank you Dean, other matters?

Item #5. Other matters.

Mr. Andrew stated I have no other matters today I do believe we will meet on the 20th but I do not anticipate a real lengthy agenda or anything. That would not be the 20th it would be on the 18th. The BZA meets on the 20th.

There being no further business the meeting adjourned at 5:00 p.m.

  
Dean Andrew, Secretary

ATTEST: \_\_\_\_\_